

MEMORANDUM

NATIONAL SECURITY COUNCIL

NSS, DOS, OSD Reviews Completed

ACTION

2 August 1972

~~TOP SECRET/EYES ONLY~~

MEMORANDUM FOR: HENRY A. KISSINGER

FROM: J. F. LEHMAN

SUBJECT: Interim Agreement Resolution

Persuant to your agreement of last Thursday with Senator Jackson, a resolution embodying the clauses that you approved was drafted in a way that does not have any legal effect nor does it require going back to the Soviets, yet it meets the concerns of Jackson and is fully consistent with the unilateral statements and subsequent testimony by government officials.

The Legal Advisor's office at State and ACDA, and John Dean's office agree that this resolution presents no legal problems.

The clause that Ambassador Smith told you he could not support is as follows:

"The Congress would consider action or deployment by the Soviet Union, having the effect of endangering the survivability of the strategic deterrent forces of the United States, whether or not such action or deployment was undertaken within the terms of the interim agreement referred to in Section 2, to be contrary to the supreme national interest of the United States;"

Bill Hyland and Phil Odeen agree that this clause presents no problems and in fact was suppose to have been issued as a unilateral statement in Moscow.

It should come as no surprise that Gerry Smith, upon the advise of his staff, opposes the resolution and specifically that clause. We knew that this would be the case and purposely kept them in the dark until the last minute. Following your agreement with Jackson, and his delivery in return of the votes that made the difference in getting Trident through the Senate, we have gotten Stennis, Scott, Ribicoff, and possibly Percy and Humphrey as co-sponsors. In short, it is too late to back out now and I would strongly advise against talking to Jackson about softening the language.

The text of the proposed Jackson amendment is at Tab A.

S. J. RES 241 (with proposed amendment)

Authorization of the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

That the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression.

The Congress would consider action or deployment by the Soviet Union, having the effect of endangering the survivability of the strategic deterrent forces of the United States, whether or not such action or deployment was undertaken within the terms of the interim agreement referred to in Section 2, to be contrary to the supreme national interest of the United States.

The Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress further recognizes the principle of United States - Soviet equality reflected in the anti-ballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

The Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.

The President is hereby authorized to approve on behalf of the United States the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, and the protocol related thereto, signed at Moscow on May 26, 1972, by Richard Nixon, President of the United States of America, and Leonid I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union.